



Human Trafficking

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MYTH #1

- *It's a violent kidnapping*



Truth: most human traffickers use psychological means such as tricking, grooming, manipulating or threatening victims into providing commercial sex or exploitative labor.

MYTH #2

- *Only women and girls can be victims and survivors of sex trafficking*



Truth: It's estimated that as many as half of sex trafficking victims and survivors are male

MYTH #3

- *Human trafficking involves moving or transporting a person across state or national borders*



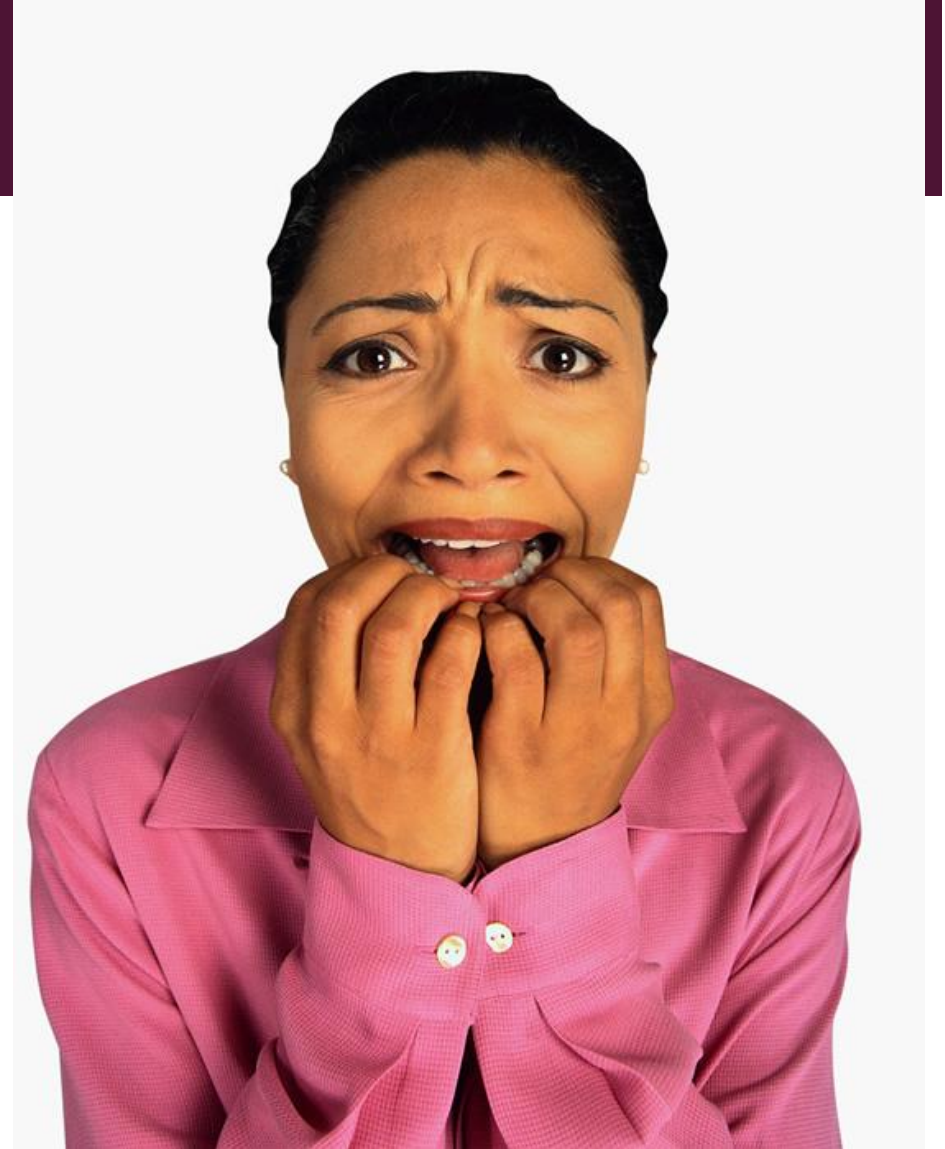
- Truth: Human trafficking is often confused with human smuggling, which involves illegal border crossings. In fact, victims may be trafficked in their own homes

MYTH #4

- *All commercial sex is human trafficking*

Truth: HB 571 made that statement true for minors!

For adults, look for **FORCE, FRAUD OR COERCION**



MYTH #5

- *People being trafficked are physically unable to leave their situations/locked in/held against their will*



- Truth: Complicated situations: fear for children or family, homelessness, manipulation

Mississippi's Human Trafficking Law

- **Sex trafficking** occurs when someone uses **force, fraud, or coercion** or cause a commercial sex act with an adult or causes **a minor** to commit a commercial sex act.
- **Force, fraud, and coercion** are the keys for adult victims. The individual must have committed the commercial sex act due to force, fraud, or coercion.

OR

- **Be under age 18.** Proof of force, fraud, or coercion is **NOT** needed if the child is under 18.
 - Children under age 18 CANNOT consent to prostitution.
 - “Child prostitutes” do not exist.
 - Any child under age 18 who is being prostituted is a **victim**.
 - That a minor consented to his or her involvement is NOT a defense.
 - Defendant’s belief the minor was 18 or older is NOT a defense to the crime.

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- The Mississippi Human Trafficking Act (MHTA) is found at Miss. Code §§ 97-3-54 through 97-3-54.9.
 - MHTA pertains to forced labor and forced commercial sexual activity of both minors and adults.
 - Three human trafficking crimes outlined:
 - human trafficking
 - procuring involuntary servitude
 - procuring sexual servitude of a minor
 - A “minor” is any person under 18 years old. § 97-3-54.4(k)

Human Trafficking: “A person who coerces, recruits, entices, harbors, transports, provides or obtains by any means, or attempts to coerce, recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or **services**, or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the **crime of human trafficking.**” § 97-3-54.1 (1)(a)

- **“Services”** means “an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, **commercial sexual activity**, sexually explicit performances, or the production of sexually explicit materials.” § 97-3-54.4(o)
- **“Commercial sexual activity”** is defined as “any sex act on account of which anything of value is given to, promised to, or received by any person.” § 97-3-54.4(e)
 - “Anything of value” – does not have to be cash. Could be drugs, rent, clothes, cell phone, transportation, etc.

Procuring Involuntary Servitude: “A person who knowingly purchases the forced labor or services of a trafficked person or who otherwise knowingly subjects, or attempts to subject, another person to forced labor or services or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the **crime of procuring involuntary servitude.**” § 97-3-54.1 (1)(b)

Procuring Sexual Servitude of a Minor: “A person who knowingly subjects, or attempts to subject, or who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, shall be guilty of **procuring sexual servitude of a minor.**” § 97-3-54.1 (1)(c)

Mississippi Law: Perpetrators

- **Human trafficking:**
 - Any person who attempts to or does recruit, entice, harbor, transport, provide, or obtain another person “intending or knowing that the person will be subjected to forced labor or services” will be guilty of **human trafficking**.
 - Also, any person who benefits – financially or by receiving anything of value – from participating in an enterprise engaged in such activity is guilty of **human trafficking**.
- **Procuring involuntary servitude:**
 - A person “who knowingly purchases the forced labor or services of a trafficked person” is guilty of **procuring involuntary servitude**.

Traffickers/Johns/Facilitators all treated the same under the MHTA –

“A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not.” § 97-3-54.3

- “Traffickers” are those who recruit, enable, assist, or benefit from the sexual exploitation of another person for monetary or other non-monetary gain.
- “Facilitators” are those who assist, enable, or financially benefit from sex trafficking – are treated the same as traffickers. (Third parties like truck stop managers or hotel owners.)
- “Johns” are purchasers of commercial sex; paying money or giving non-monetary items of value in exchange for sex.
- Under Mississippi law, johns can be punished to the same extent that pimps are punished.

Penalties

- Penalties for human trafficking and procuring involuntary servitude:
 - If the trafficked victim is older than 18: two to 20 years in prison and/or a fine of \$10,000 to \$100,000
 - If the trafficked victim is a minor: 20 years to life in prison and/or a fine of \$20,000 to \$100,000.
- No statute of limitations for prosecuting human trafficking offenses.

Minor Victims

- Minors are always victims, not criminals.
- A “minor who has been identified as a victim of trafficking **shall not be liable** for criminal activity in violation of this section.” Miss. Code § 97-3-54.1(4).
- A minor involved in prostitution related activity as a direct result of being trafficked is immune from prosecution. Miss. Code §§ 97-29-49(4), 97-29-51(3).
- These victims should be taken to the hospital or to a shelter immediately.
- They should not be taken to juvenile detention unless it is necessary for their protection.

Reporting

- The Mississippi Child Protection Act requires mandatory reporting by law enforcement, clergy, film processors, teachers, childcare providers, and medical professionals if they suspect a sex crime against a minor has occurred. Miss. Code § 97-5-51.
- **Anyone** (not just mandatory reporters) who suspects a minor is being trafficked “**shall** immediately make a report” to DHS/CPS and to the Human Trafficking Coordinator at the MBI. Miss. Code Ann. § 97-3-54.1(4).
- When a minor is taken into custody for suspected involvement in prostitution related activity, law enforcement must immediately notify DHS/CPS, who “shall commence an initial investigation into suspected child sexual abuse or neglect[.]” Miss. Code § 97-29-49.
- All child abuse cases, which includes children who have been trafficked, must be reported to CPS and to the AG’s Office. Miss. Code §§ 43-21-105, 43-21-353.
- Document everything and report immediately.
- Call FBI if the situation crosses state lines.
- Contact a Certified Victim Advocate at 601-360-8701.



Legislative Updates

HB 571-2019

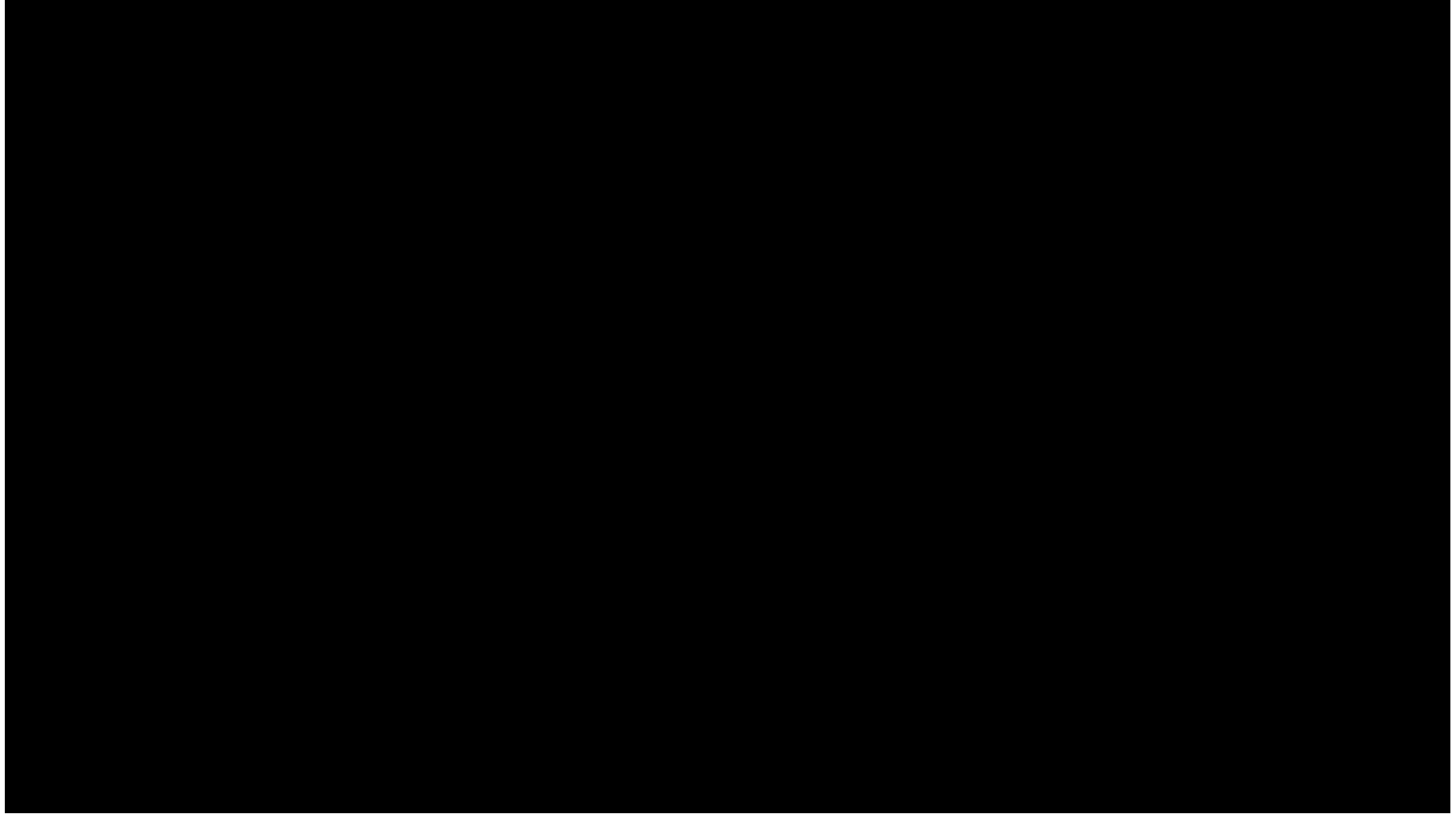
- Minors can no longer be charged with prostitution.
- LEO can take minors engaged in prostitution into emergency custody in accordance with the Youth Court Act.
- CPS is required to create a specialized plan for minors who have been victims of human trafficking or commercial sexual exploitation.
- Multidisciplinary teams *may* be created for victims of human trafficking or commercial sexual exploitation, and experts in those areas are allowed to be on the MDT.
- Requires CPS to maintain a statewide hotline for receiving reports of human trafficking and commercial sexual exploitation.
- Requires that mandatory reports of suspected abuse of minors be reported to CPS.

HB 1559-2020

- Creates Training Board to certify HT Investigators
- Creates a CPS Statewide Coordinator for HT Cases
- Creates Rapid Rapid Assessment Team (CPS Investigator, Certified HT Investigator, Certified Victim Advocate)
- Rapid Assessment Teams must be formed within 24 hours of CPS receiving a tip of human trafficking

WHO ARE THE VICTIMS??





STATS ACCORDING TO SHARED HOPE, INTERNATIONAL

AGE

14-16
COMMON AGES
victims enter trafficking

99
PERCENT
of buyers are
MALE

PRIOR SEXUAL ABUSE
FOSTER CARE
RUNAWAY/HOMELESS

RISK FACTORS

VENUES

Where pimps find their victims

SOCIAL NETWORK

HOME NEIGHBORHOOD

CLUBS OR BARS

INTERNET

SCHOOL

FAMILIAL TRAFFICKING GROOMING

- Early introduction to sexual contact
- Normalizes sexual behaviors
- Praise/rewards productive encounters
- Lack of protection from outside danger
- Constant exposure to risk
- Require silence, submission—keep it in the family
- Use of violence/rape to punish
- Enforces strict rules of compliance
- Threaten abandonment or separation by authorities

RISK FACTORS & VULNERABILITIES

**Victims come from all socio-economic backgrounds, races/ethnicities, ages, genders, and sexualities.*

- Homeless, runaway child/youth
- Child/youth in foster care system or history of CPS contacts
- History of abuse—especially sexual abuse
- History of contact with juvenile justice system
- Substance abuse
- Mental health or developmental/intellectual challenges
- Interpersonal violence
- Poverty—not able to provide for self/basic needs
- Gang involvement/contact

Grooming & Recruiting Tactics

MEET THE NEEDS

- Food, shelter, transportation, financial support
- Emotional manipulation
 - “You’re too beautiful to be so sad.”
 - “If you were my girl, you would have everything you want.”
 - “Your family doesn’t care about you.”

SELL THE DREAM

- Pictures of cars, shoes, money, drugs
- Freedom—party lifestyle
- Travel/fantasy
- Family, protection, loyalty

IF....MAYBE



- A person is confrontational.....
- If an assumed offender lies....
- An accused person doesn't trust you...
- Ask why
- Ask why
- Consider their history

Look beneath the surface for truth!



SO, YOU MAY BE WONDERING.....

- What does the law say about her HT experience affecting prosecution on other charges?
- What does this mean to me as a public defender?
- How will I recognize a victim if she's not part of an ongoing HT case?
- How can I help her?

EXAMPLE OF A VICTIM WHO COULD HAVE BEEN PROSECUTED

- **Two New Orleans men arrested for human trafficking in Mississippi**
- BROOKHAVEN, Miss. ([WJTV](#)) – Two New Orleans men were arrested in Brookhaven on human trafficking charges.
- According to the [Daily Leader](#), police responded to an attempted vehicle theft at the Murphy USA gas station on Brookway Boulevard Thursday afternoon.
- The two men, Donald Williams, 41, and Kenneth R. Turner, 34, were detained.
- The suspects were detained and after some investigation, officers discovered they were not dealing with an attempted vehicle theft, but a more serious crime involving two men and a female. According to police, the two men had come from New Orleans to get a rental vehicle, and the woman who was with them tried to escape at the gas station in Brookhaven. The Federal Bureau of Investigations (FBI) sent agents from their Human Trafficking Task Force to Brookhaven to assist in the case.
- “When we got there and started investigating, we realized what we had,” Collins said. “She was trying to escape.”
- Williams and Turner were arrested and charged with human trafficking.

AFFIRMATIVE DEFENSE: ENTERPRISES

- **Enterprises** are held responsible if an employee participates in criminal activities within this act for the benefit of the enterprise and an agent the enterprise either knew the crime was occurring or recklessly disregarded the crime and failed to take effective action to stop the illegal activity.
- It is an **affirmative defense** to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations. Miss. Code §97-3-54.1(3)

AFFIRMATIVE DEFENSE: ADULT VICTIMS

- Miss. Code §97-3-54.1(5) It is an **affirmative defense** against prosecution under this act if the defendant
- (a) Is a victim, and
- (b) Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.

OTHER CRIMES VICTIMS ARE COERCED TO COMMIT

- Armed Robbery
 - Felon in Possession of a Firearm
 - Possession of Controlled Substance/Paraphernalia
 - Possession with Intent
 - Motor Vehicle Theft
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- **Legal Defense: Duress** occurs when a person is under unlawful force or pressure to commit an act that the person ordinarily would not have done in order to avoid immediate danger. The immediate danger must exist at that time or be fast-approaching. It must be of such a nature as to force that person into believing that great bodily harm or death will occur if the criminal act is not committed. Miss. Model Jury Instruction

CRIMES OFTEN CONNECTED TO HUMAN TRAFFICKING

■ Felony

- Shoplifting
- Credit Card Fraud
- Car theft
- Grand Larceny
- Burglary/Robbery
- DUI/Drugs
- Identity theft
- Agg assault
- Murder

■ Misdemeanor

- Shoplifting (lesser amt)
(condoms/feminine hygiene)
- Credit Card Fraud (lesser amt)
- Petty Larceny
- DUI/Drugs
- Disturbing the Peace
- Suspended or no driver's license

What Should You Do?

- Contact local law enforcement.
- Call the **National Human Trafficking Hotline** at **1-888-3737-888**. They are open 24 hours a day/7 days a week.
- If a minor, call **Child Protective Services** at **1-800-222-8000**.
- Reach out to a victim advocate. Call the **TOWER** at **601-360-8701**.





The Tower, The Center for Violence Prevention's human trafficking program, provides trauma-informed mid to long term care for victims. Serving as Mississippi's ONLY long-term recovery program for adult victims, The Tower works to achieve victim safety, recovery, and restoration.

Services for Victims of Human Trafficking

- Shelter
- Case Management
- Advocacy
- Therapeutic Services
- Education and Awareness
- Rapid Response Advocates



CONTACT INFORMATION

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